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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,062	10/17/2003	Charles A. McBrian	47583/P040US/10311285	8145
59061 7590 06/19/2007 FULBRIGHT & JAWORSKI, LLP (ADOBE) 2200 ROSS AVENUE SUITE 2800 DALLAS, TX 75201-2784			EXAMINER WEINTROP, ADAM S	
			ART UNIT 2145	PAPER NUMBER
			MAIL DATE 06/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/688,062	Applicant(s) MCBRIAN ET AL.	
	Examiner Adam S. Weintrop	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. **Claims 4 and 8-13** are objected to because of the following informalities:

Regarding **claims 4 and 10**, the terms "said development environment" on claim line 2 have not been defined and should be replaced with --a development environment-
- to improve the clarity of the claim.

Regarding **claim 8**, the term "said Web server" on claim line 4 has not been defined and should be replaced with --a web server-- to improve the clarity of the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding **claims 8-13**, the claim is directed toward a computer program product with program logic recorded on a medium comprising code for performing steps. A computer program product with code recorded thereon is non-functional descriptive material and is non-statutory. In order for a claim to be statutory, it must fall within one of the categories of invention being a system, a method, a manufacture, or a

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composition of matter. Computer code on a computer program product does not satisfy the requirements of being functional in order to be a statutory claim. The dependent claims do not solve the deficiencies of the independent claim and are rejected for the same.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-2, 5-6, 8, 11-12, and 14-15** are rejected under 35 U.S.C. 102(e) as being anticipated by Fenton et al. (US 6,910,049).

Regarding **claim 1**, Fenton et al. anticipates:

A method for staging file assets on a live server comprising:

detecting an index page of said server (column 11, lines 52-54, where in the act of ingesting content into a main display page, the step of detecting an index page is seen as being performed, since a main display page is considered an index

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page);

creating a staging folder on said server, wherein said staging folder does not default to a directory listing when accessed (column 11, lines 22-32, where the database folder stores content and it does not go into a listing when accessed since it is not in a traditional hierarchal file system);

inserting a randomized string into a name of said file assets to be staged (column 11, lines 22-32, where the files are given a pseudo-random number or name); and storing said file assets in said staging folder (column 11, lines 22-23, where the user can upload the content into the database, seen as the staging folder, since it is not live as noted in column 10, line 66-column 11, line 3).

Regarding **claim 2**, Fenton et al. anticipates:

The method of claim 1 further comprising:

communicating said name with said inserted randomized string to a reviewing party (column 24, lines 45-63, where as the website is created from all of the elements, then approval occurs, and this is seen as communicating each element to be approved, having the randomized string, to a reviewing party, as user created elements can go into a live website as noted in column 11, lines 48-54).

Regarding **claim 5**, Fenton et al. anticipates:

The method of claim 1 wherein said creating step further comprises:
generating a blank index file named according to said detected index file (column 12, lines 32-39, where a new project is created, seen as a blank file, and its named according to where the main page of the project should appear, as seen in column 12, lines 49-55); and
storing said blank index file in said staging folder (column 14, line 66-column 15, line 3, where the project page is stored in a staging folder since it is not live at this time, as seen in column 23, lines 31-42, and it can be blank if no elements are assigned to it).

Regarding **claim 6**, Fenton et al. anticipates:

The method of claim 1 further comprising:
generating said randomized string prior to said inserting step (column 11, lines 27-30, where the files are given the randomized string before committing them to storage).

Regarding **claim 8**, Fenton et al. anticipates:

A computer program product having computer readable medium with computer program logic recorded thereon for facilitating staging file assets, said computer program product comprising:

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code for detecting an index of said web server (column 11, lines 52-54, where in the act of ingesting content into a main display page, the step of detecting an index page is seen as being performed, since a main display page is considered an index page);

code for generating a staging folder on said web server, wherein said staging folder prevents unauthorized listing of contents of said staging folder (column 11, lines 22-32, where the database folder stores content and it does not go into a listing when accessed since it is not in a traditional hierarchal file system, thus preventing unauthorized listings);

code for storing said file assets to be staged according to names that include a random string (column 11, lines 22-32, where the files are given a pseudo-random number or name and then stored in the database, which is not live as noted in column 10, line 66-column 11, line 3).

Regarding **claim 11**, Fenton et al. anticipates:

The computer program product of claim 8 wherein said code for generating further comprises:

code for creating an empty index named according to said detected index (column 12, lines 32-39, where a new project is created, seen as a blank file, and its named according to where the main page of the project should appear, as seen in column 12, lines 49-55); and

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code for storing said empty index in said staging folder (column 14, line 66- column 15, line 3, where the project page is stored in a staging folder since it is not live at this time, as seen in column 23, lines 31-42, and it can be blank if no elements are assigned to it).

Regarding **claim 12**, Fenton et al. anticipates:

The computer program product of claim 8 further comprising:

code for generating said random string prior to executing said code for storing (column 11, lines 27-30, where the files are given the randomized string before committing them to storage).

Regarding **claim 14**, Fenton et al. anticipates:

A method for reviewing proposed file content on a live Web server comprising: scanning said live Web server for an index file (column 11, lines 52-54, where in the act of ingesting content into a main display page, the step of scanning for an index page is seen as being performed, since a main display page is considered an index page); opening a review folder on said live Web server (column 11, lines 22-32, where the database folder stores content, and to store it must be accessed or opened); creating a blank index on said review folder, wherein said blank index is named

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according to a name of said index file (column 12, lines 32-39, where a new project is created, seen as a blank file, and its named according to where the main page of the project should appear, as seen in column 12, lines 49-55); and storing said proposed file content in said review folder, wherein a randomized string is included in a file name representing said proposed file content (column 11, lines 22-32, where the files are given a pseudo-random number or name and where the user can upload the content into the database, seen as the staging folder, since it is not live as noted in column 10, line 66-column 11, line 3).

Regarding **claim 15**, Fenton et al. anticipates:

The method of claim 14 further comprising: sharing said file name with a reviewing user (column 24, lines 45-63, where as the website is created from all of the elements, then approval occurs, and this is seen as communicating each element to be approved, having the randomized string, to a reviewing party, as user created elements can go into a live website as noted in column 11, lines 48-54).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 3-4, 9-10, and 16-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton et al. (US 6,910,049) in view of "How To and Support FAQ".

Regarding **claims 3-4, 9-10, and 16-17**, Fenton et al. discloses all of the limitations as described above except for creating a temporary folder in the root directory of a live server, writing a page of content according to one of a plurality of standard addresses, and then attempting to access that written page over HTTP. Then if the page is received, validating the address, or if the page is not received, writing to another standard address until it can be read back. Fenton et al. also does not disclose having the plurality of standard addresses accessible by the development environment in a memory. The general concept of creating a temporary directory on a server, and then trying multiple addresses in order for the page to become accessible, and therefore valid, is well known in the art as illustrated by "How To and Support FAQ". "How To and Support FAQ" describes uploading to a web server. It describes that a folder can be created (page 4, where the user can create a directory). It also describes that if pages aren't showing up after an upload, then a different set of standard addresses should be tried until the page does show up when accessed (page 1-2, where if a page is not shown, this is seen as attempting to access a page with a standard address, and then only when the page is addressed using another of the set of standard

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page names will the page be validated by showing up in the user's browser).

"How To and Support FAQ" describes that the web page will only show if addressed using one of the standard set of index addresses (page 2), and this is seen as having the plurality of addresses accessible to the development environment since they are accessible to the user by trying each different standard address to test if it will display a page to the user. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Fenton et al. with using a trail and error approach to accessing a folder by using different standard addresses of a page to test the receipt of the page as taught by "How To and Support FAQ" in order to successfully upload a user's page to a compatible standard address as to increase the compatibility of different types of web servers the system can interact with.

7. **Claims 7, 13, and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton et al. (US 6,910,049) in view of Di-Crescenzo et al. (US 6,301,664).

Regarding **claims 7, 13, and 18**, Fenton et al. discloses all of the limitations as described above except for determining a length of the randomized string according to a desired level of security and generating a random character for each number of established characters. The general concept of setting a randomized string length and generating it character by character for a desired level of security is well known in the art as illustrated by Di-Crescenzo et al. Di-

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Crescenzo et al. teaches that a random string can be generated based on a desired level of security (column 4, lines 37-39) and also the string is then applied to each bit in the data differently (column 5, line 60-column 6, line 1, where each bit is seen as a character of data). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Fenton et al. with setting string length according to a desired level of security and modifying the data character by character as taught by Di-Crescenzo et al. in order to increase security, as noted in Di-Crescenzo et al.'s disclosure in column 1, lines 26-31.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"Approaches to Content Management" (Nakano) describes live and staged editing of web servers in a general overview.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam S. Weintrop whose telephone number is 571-270-1604. The examiner can normally be reached on Monday through Friday 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AW 6/5/07


JASON CARDONE
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